



US Army Corps  
of Engineers  
Detroit District



# Public Notice

File No. LRE-2011-6-100

**Date:** March 19, 2012  
**Expires:** March 18, 2017

## REISSUANCE OF NATIONWIDE PERMITS AND REGIONAL CONDITIONS IN INDIANA

On February 21, 2012, in *Federal Register* (72 FR 11092), the U.S. Army Corps of Engineers (Corps) announced the reissuance of all existing Nationwide Permits (NWP), general conditions, and definitions with some modifications. The Corps also issued two new NWPs, three new general conditions, and three new definitions. The NWPs became effective on March 19, 2012.

On March 19, 2012, the Great Lakes and Ohio River Division (LRD) Engineer approved Regional Conditions for the NWPs in Indiana. These conditions apply to all activities authorized by NWPs. Regional Conditions provide additional protection for the aquatic environment by ensuring that the NWPs authorize only those activities with minimal adverse effects on the aquatic environment. The Regional Conditions for Indiana are attached to this public notice. In addition, the Detroit District has posted its Regional Conditions on the following Internet page: <http://www.lre.usace.army.mil/who/regulatoryoffice/districtinformation/> under the heading entitled "Nationwide Permits—Indiana".

Additionally, the LRD Division Engineer has also approved the continued suspension of 16 NWPs in the State of Indiana including NWPs: 7, 11, 13, 14, 15, 18, 19, 25, 29, 36, 39, 40, 41, 42, 43, and 44.

The Indiana Department of Environmental Management (IDEM) denied Section 401 Water Quality Certification (WQC) for NWPs 8, 16, 17, 20, 23, 31, 32, 34, 35, 38, and 48. An individual 401 WQC will be required for any project authorized by one of the NWPs with a 401 WQC denial. The IDEM conditioned 401 WQC for NWPs 3, 12, 27, 37, 51 and 52. An individual 401 WQC will be required by IDEM under certain conditions. The full text of the Water Quality Certifications issued by IDEM is available on our web site under the link listed above.

Applicants and consultants are reminded of the requirements to fully consider federally listed Threatened and Endangered Species, the Migratory Bird Treaty Act, the Bald and Golden Eagle

Protection Act, and Cultural Resources under the 2012 Nationwide Permit General Conditions, Nos. 18, 19, 20 and 21.

Questions concerning implementation of the new and modified NWPs and conditions or the Corps Regional Conditions should be sent to the Detroit District, Corps of Engineers, Regulatory Office, Attn: Kerrie Kuhne, 477 Michigan Avenue, Room 603, Detroit, Michigan, 48226-2550.

John Konik  
Chief, Regulatory Office  
Engineering & Technical Services

## **REGIONAL GENERAL CONDITIONS FOR THE STATE OF INDIANA**

These regional conditions are in addition to but do not supersede the requirements in the Federal Register (Volume 77, No. 34 of February 21, 2012). Information on Pre-Construction Notification (PCN) can be found at NWP General Condition No. 31 (Federal Register, Volume 77, No. 34, Tuesday, February 21, 2012, pp 10286).

The following Nationwide Permits in the State of Indiana have been suspended:

NWP 7	Outfall Structures and Associated Intake Structures
NWP 11	Temporary Recreational Structures
NWP 13	Bank Stabilization
NWP 14	Linear Transportation Projects
NWP 15	U.S. Coast Guard Approved Bridges
NWP 18	Minor Discharges
NWP 19	Minor Dredging
NWP 25	Structural Discharges
NWP 29	Residential Developments
NWP 36	Boat Ramps
NWP 39	Commercial and Institutional Developments
NWP 40	Agricultural Activities
NWP 41	Reshaping Existing Drainage Ditches
NWP 42	Recreational Facilities
NWP 43	Stormwater Management Facilities
NWP 44	Mining Activities

### **REGIONAL CONDITIONS:**

1. Nationwide Permit No. 12 – Utility Line Activities
  - a. Notification is required for all substations.
  - b. Impacted wetlands outside of permanently maintained rights of way shall be restored to the same or more valuable wetland type (e.g. forested wetlands shall be restored to forested wetlands). Within permanently maintained rights of way, impacted wetlands shall be restored, unless otherwise authorized by the Corps.
  - c. For utility lines placed across the channel of an authorized Federal navigation project, the following conditions apply: 1) the line must be embedded at least 6 feet below the authorized Federal channel depth; 2) existing and proposed elevation information on precise plan and section scale drawings are required; 3) within 60 days after construction, an as-built survey must be provided indicating the points of entry and exit of the installation.
  - d. Notification is required for all stream crossings.

### **Regional Conditions Applicable to all NWPs within Indiana:**

1. Excavation/dredging from areas of known or suspected contamination requires:
  - a. Placement of the material in a Confined Disposal Facility or Class II landfill; or

- b. Placement of the material by other Corps' approved method; or
  - c. Testing to demonstrate that the material is not contaminated. If the material is determined to be contaminated, it must be disposed of in a. or b. above.
- 2. Notification in accordance with Condition 31 is required to the Corps for all activities affecting Designated Salmonid Waters, Outstanding State Resource Waters, Exceptional Use Streams, and Critical Wetlands and Critical Special Aquatic Sites (See Attachments 1 and 2).
- 3. Notification in accordance with Condition 31 is required to the Corps for all activities which would cause, alter, or affect diversion of water from the Great Lakes basin.

## **ATTACHMENT 1**

### **Designated Salmonid Waters**

- 1. Galena River and its tributaries, LaPorte County
- 2. Trail Creek & tributaries downstream to Lake Michigan, LaPorte County
- 3. East Branch of the Little Calumet River and its tributaries downstream to Lake Michigan via Burns Waterway (Ditch), Porter and LaPorte Counties
- 4. The Indiana portion of the open waters of Lake Michigan
- 5. Kintzele Ditch (Black Ditch) from Beverly Drive downstream to Lake Michigan, Porter County
- 6. Salt Creek and its tributaries upstream of its confluence with the Little Calumet River, Porter County
- 7. The St. Joseph River and its tributaries in St. Joseph County from the Twin Branch Dam in Mishawaka downstream to the Indiana/Michigan state line, St. Joseph County
- 8. Those waters designated by the Indiana Department of Natural Resources (IDNR) for put-and-take trout fishing

### **Waterbodies which have been designated all or partially as Outstanding State Resource Waters:**

- 1. The Blue River in Washington, Crawford, and Harrison counties (from the confluence of the West and Middle Forks of the Blue River in Washington County) from river mile 57.0 to river mile 11.5
- 2. Cedar Creek in Allen and DeKalb counties
- 3. The North Fork of Wildcat Creek in Carroll and Tippecanoe counties
- 4. The South Fork of Wildcat Creek in Tippecanoe County
- 5. The Indiana portion of Lake Michigan
- 6. All waters incorporated in the Indiana Dunes National Lakeshore

### **Streams which have been designated all or partially as Exceptional Use Waters:**

- 1. Big Pine Creek in Warren County
- 2. Mud Pine Creek in Warren County

3. Fall Creek in Montgomery County
4. Indian Creek in Montgomery County
5. Clifty Creek in Montgomery County
6. Bear Creek in Fountain County
7. Rattlesnake Creek in Fountain County
8. The small tributary to Bear Creek in Fountain County within the Portland Arch Nature Preserve which enters Bear Creek at the sharpest bend and has formed the small natural bridge called Portland Arch
9. Blue River from the confluence of the West Middle Forks of the Blue River in Washington County to the Ohio River
10. The South Fork of the Blue River in Washington County
11. Lost River and all surface and underground tributaries upstream from the Orangeville Rise.
12. Rise of the Lost River
13. Mainstream of the Lost River from Orangeville Rise downstream to its confluence with the East Fork of the White River (Orangeville Rise location)

## **ATTACHMENT 2**

### **Critical Wetlands and Critical Special Aquatic Sites**

1. Acid bogs
2. Acid seeps
3. Circumneutral bogs
4. Circumneutral seeps
5. Cypress Swamps
6. Dune and swales
7. Fens
8. Forested fens
9. Forested swamps
10. Marl beaches
11. Muck flats
12. Pannes
13. Sand flats
14. Sedge meadows
15. Shrub swamps
16. Sinkhole ponds
17. Sinkhole swamps
18. Wet floodplain forests
19. Wet prairies
20. Wet sand prairies